

## **ABSTRACT**

This diploma thesis deals with the selected institutes and specifics of patent law in pharmaceutical industry. The aim is to analyze and critically evaluate these institutes and specifics. Although the topic requires a certain overlap into different scientific fields, the thesis emphasizes on the legal aspects of these institutes. The thesis is based on the Czech legislation; however, many chapters require an insight into the European or/and international legal context. Furthermore, the case law of a foreign court and the European Patent Office is also presented.

To begin with, the thesis deals with definitions of the key terms of a patent law and presents a brief overview of the legislation on the national level as well as internationally. In the next chapter the area of pharmaceutical industry is introduced, more specifically its historical background and a specific terminology used in such area. The thesis contains a chapter dealing with the area of biotechnology as well. In the crucial part of this thesis, firstly general requirements for patentability of inventions are defined and the question of patentability of biotechnological inventions is evaluated. The attitude towards patentability of genetic modifications and cloning is evaluated more closely. Furthermore the requirements of the gene's patentability are analyzed in the European context and compared to legal regulation in the U.S. The thesis provides an evaluation of current legislation in a conclusion of this chapter. The regulation of an invention belonging to an enterprise and a joint proprietorship of a patent is introduced in the following parts of the thesis. To provide a complex overview, the effects of the patent are analyzed as well and the topic of limitation of effects of patent follows. Moreover, it examines the institute of a compulsory license. The thesis offers examples of its granting across several jurisdictions and provides a critical analysis of how this institute is being used. In the concluding part the thesis deals with a question of a term of the patent and introduces a regulation of an institute specific for the area of pharmaceuticals - a supplementary protection certificate.